

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAYIDEN HUSSEIN MOHAMED,

Plaintiff,

v.

BENJAMIN SANDERS, MD, et al.,

Defendants.

Case No. 16-1003-RAJ

ORDER

This matter comes before the Court on Plaintiff Sayiden Hussein Mohamed's Motion to Not Dismiss His Case (Dkt. # 12), which the Court will construe as a motion for relief from a judgment or order under Federal Rule of Civil Procedure 60(b). For the reasons that follow, the Court **GRANTS** Plaintiff's motion and **REOPENS** his case.

On June 27, 2016, Plaintiff, proceeding *pro se* and *in forma pauperis*, filed an action under 42 U.S.C. § 1983 alleging violations of his civil rights. He alleges, among other things, that Defendants have refused to provide treatment for his serious medical condition during a period of detainment at King County Jail.

On August 12, 2016, Plaintiff requested that his case be dismissed because he received treatment on August 6, 2016. The Court dismissed his case without prejudice.

On August 22, 2016, Plaintiff filed a motion retracting his request for dismissal and requesting that his case be reopened. The "main reason" he cites for why the case should be reopened is that Defendants intentionally delayed providing him treatment. In separate filings, he realleges many of the same facts submitted in support of his original

1 claims. He also alleges that Defendants have failed to provide sufficient medical
2 treatment in the wake of his surgery.

3 Given Plaintiff's status as a pro se litigant and the leniency with which pro se
4 pleadings are to be construed, the Court **GRANTS** Plaintiff's motion and **REOPENS** his
5 case pursuant to Rule 60(b). Within **fourteen (14) days** from the date of this Order,
6 Plaintiff must submit a **second amended complaint** stating all claims and the factual
7 basis for those claims, including any claims that have arisen since the alleged surgery on
8 August 6, 2016. The amended complaint must be filed under the same case number as
9 this one, and will operate as a complete substitute for, rather than a mere supplement to,
10 the present complaint. **If no amended complaint is timely filed, the Court will enter**
11 **an order dismissing this case without prejudice.**

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13 DATED this 5th day of October, 2016.

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17 The Honorable Richard A. Jones
18 United States District Judge
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